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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David S. Warren et al.

Group Art Unit: n/a

Serial No.: 10/660,305

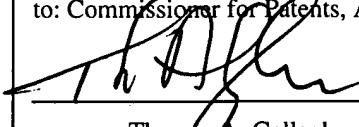
Examiner: n/a

Filed: September 11, 2003

Attorney Docket: XSB-001

Title: METHODS FOR DETERMINING THE SIMILARITY OF CONTENT AND  
STRUCTURING UNSTRUCTURED CONTENT FROM HETEROGENEOUS  
SOURCES

I hereby certify that this correspondence is being deposited on this day with  
the United States Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, Alexandria, VA 22313-1450.

  
Thomas A. Gallagher2-20-4  

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Date

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

PETITION FOR A ONE MONTH EXTENSION OF TIME TO REPLY

02/26/2004 YPOLITE1 00000110 10660305

03 FC:1460

130.00 OP

The applicant hereby petitions the Commissioner of Patents and Trademarks for a one month extension of time to reply to Notice to File Missing Parts dated December 5, 2003. With the extension of time, the time for reply is extended from February 5, 2004 to March 5, 2004 making this reply timely in nature. The \$55 small entity fee for the one month extension is enclosed herewith in a check for \$250 which includes the extension fee, the surcharge of \$65 and a petition fee of \$130 because two inventors refused to sign a declaration or oath.

02/26/2004 YPOLITE1 00000110 10660305

01 FC:2251

55.00 OP

RESPONSE TO NOTICE TO FILE MISSING PARTS

The Notice to File Missing Parts of Non-provisional Application dated December 5, 2003 indicated that the oath or declaration was missing from the application papers filed September 11, 2003.

This application lists ten inventors who were named with their addresses and citizenship in the papers filed on September 11, 2003. Attached hereto are declarations signed by eight of the ten inventors. Two inventors have refused to sign:

Dr. IV Ramakrishnan, Ph.D.  
4 High Gate Drive, Setauket, NY  
United States Citizen

and

Dr. Hasan Davulcu, Ph.D.  
1064 San Palmilla Apartments, 750 W. Baseline Road, Tempe, AZ 85283-1107  
United States Citizen.

A petition pursuant to 37 CFR §1.47 begins on the next following page of this response.

PETITION PURSUANT TO 37 CFR §1.47

The signing Applicants and the Assignee XSB, Inc. respectfully petition the Commissioner for Patents to accept this application without the signatures of two of the ten named inventors. The \$130 petition fee is included herewith in a check for \$250 as explained above.

The first named inventor who refuses to sign is Dr. IV Ramakrishnan, Ph.D. having a last known address of 4 High Gate Drive, Setauket, NY. The following chronology documents the efforts made to obtain the signature of Dr. IV Ramakrishnan:

A copy of the application along with the Assignment and Declaration and Power of Attorney forms were sent by email to Dr. Ramakrishnan on September 10, 2003. Initially, Dr. Ramakrishnan expressed a willingness to sign in his email message of September 11, 2003 to Daria Wesnofske, the Director of Operations of the Assignee and the person who coordinated the filing of the instant patent application. A copy of this message is attached as Exhibit A.

Meanwhile, as described below, attempts were being made to obtain the signature of Dr. Davulcu who resisted signing from the very beginning. Since it became clear that it would not be possible to obtain all of the necessary signatures before the anniversary of the priority date, the application was filed without any declarations and

Dr. Ramakrishnan was informed that the signing of the declarations would be delayed until a serial number for the application was obtained.

In December 2003, new declarations and assignments were prepared making reference to the serial number of the instant application. These documents were circulated among the inventors.

On January 22, 2004, Ms. Wesnofske contacted Dr. Ramakrishnan via email and indicated that it was now time to file the Assignment and Declaration.

After not receiving a response to the January 22 email, Ms. Wesnofske emailed him again on January 26, 2004. He responded that he needed to have a copy of the patent application resent to him, that he needed more time to review these documents and wanted to discuss this matter with the President & CEO and VP of Sciences of the Assignee.

On January 27, 2004, Ms. Wesnofske received a copy of an email from Dr. Ramakrishnan to the President & CEO and VP of Sciences of the Assignee stating that he did not want to be involved in the patent process and that he had decided not to sign the Assignment and Declaration forms. A copy of this email is attached as Exhibit B. During subsequent telephone conversations, Dr. Ramakrishnan could not be persuaded to sign.

The other named inventor who refuses to sign is Dr. Hasan Davulcu, Ph.D. having a last known address of 1064 San Palmilla Apartments, 750 W. Baseline Road, Tempe, AZ 85283-1107. The following chronology documents the efforts made to obtain the signature of Dr. Davulcu:

Copies of the application, declaration, and assignment were transmitted to Dr. Davulcu on September 10, 2003. On September 11, 2003, Dr. Davulcu sent an email to Ms. Wesnofske questioning whether certain references to prior art technology should be part of the application. This was an apparent misconception of how a patent application should be written. For example, Dr. Davulcu felt that stating broad objects of the invention was improper and that the objects of the invention should be limited to what is novel. In addition, Dr. Davulcu objected to the inclusion of dependent claims which added subject matter which he thought was not novel. For example, he wanted to remove all of the claims depending from claim 1. Dr. Davulcu indicated that he would be willing to sign a revised application.

The other inventors met that afternoon, reviewed his remarks, and disagreed with Dr. Davulcu's analysis. As such, it was decided to proceed with filing the application as it was prepared without making the changes requested by Dr. Davulcu.

A conference call was made with Dr. Davulcu and the other inventors to discuss the issues he raised in his emails and requested once again that he reconsider his decision not to sign the Declaration and Assignment. He once again refused, claiming that he

disagreed with the wording of some of the claims and background information stating that some of this is based upon prior art. It was explained to Dr. Davulcu that he need not concern himself with background information, that the only inventions to be covered by the patent were listed specifically in the patent's claims. It was explained that the patent office would be made aware of all known relevant prior art and they would make a legal determination regarding the claims. It was also explained that the claims could be amended if examination by the patent office indicated that they were too broad. Dr. Davulcu still refused to sign the documents.

As stated above, the application was filed without the Declaration and Assignment. It was hoped that Dr. Davulcu would reconsider and sign at a future date.

On January 8, 2004, Dr. Davulcu was contacted again, this time by Dr. David Warren, the VP of Sciences of the Assignee. See the attached Exhibit C. He was informed that the patent office was now requesting that the required Assignment and Declaration forms be filed. Dr. Davulcu requested another copy of each of these forms be sent to him along with a copy of the patent application so that he could review them again. Copies of the above referenced documents were emailed to Dr. Davulcu by Dr. Warren.

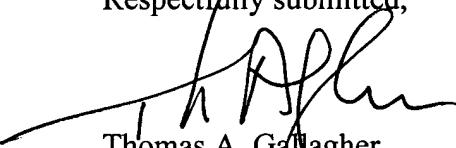
Dr. Davulcu reviewed the above referenced materials and once again responded that he was not willing to participate in the process and would not sign off on the patent application. It was explained to Dr. Davulcu that the claims he was objecting to were

dependent claims and that all of his concerns would be met by simply providing copies of the prior art he was concerned about to the patent office. He still refused to sign.

In further support of this petition, declarations of Daria Wesnofske and Dr. David Warren attesting to the accuracy of the statements made above are attached hereto as Exhibits D and E. An Information Disclosure Statement including all of the relevant art brought to the attention of the Assignee by Dr. Davulcu is being submitted under separate cover.

In light of all of the above, it is respectfully requested that this petition be granted and that the application be accepted without the signatures of the two inventors who refused to sign.

Respectfully submitted,



Thomas A. Gallagher  
Reg. No. 31358  
Attorney for Applicant(s)

65 Woods End Road  
Stamford, CT 06905  
(203) 329-9898

February 19, 2004

Enclosures: 2 Declarations and Powers of Attorney  
Copy of Notice to File Missing Parts  
Check for \$250  
Exhibits A-E